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*Governor*  
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# State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER  
*Executive Director*

JERRY D. OLDS  
*State Engineer/Division Director*

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STATE OF UTAH  
DIVISION OF WATER RIGHTS

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DIVISION OF WATER RIGHTS,  
JERRY D. OLDS  
STATE ENGINEER,

Claimant

v.

Navajo Trails Adventure Camp, Inc.  
c/o Nancy Sampson  
820 East Utah Highlands Drive  
Lehi, UT 84043

Respondent.

HEADGATE NOTICE

No. SEAA 1120

TO: Navajo Trails Adventure Camp, Inc.,

On March 29, 2006, representatives from the Division of Water Rights conducted an inspection of the Lower Fremont River Distribution System. This inspection indicated that the water commissioner is unable to control the flow at your property below the diversion because of the lack of a lockable headgate on you diversion from the Fremont River. A suitable place for a headgate control would be in the culvert that is just downstream from the diversion heading. Please note that a previous notice (Reference: SEAA #1065) from this office requiring installation of a measuring device is still in force.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

**"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring device shall be of such design as the state engineer may approve and so that the same can be locked and kept set by him or his assistants... If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such headgates, caps, valves, flumes or measuring devices after thirty days notice to do so by the state engineer, the state engineer may forbid the use of water until the**

**SCANNED**

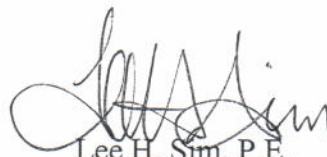
user thereof shall comply with this requirement, or the state engineer may proceed to construct or install or cause to be installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is authorized to bring such action in the name of the state to foreclose such lien."

**Therefore, you are hereby notified that your diversion must be equipped with a functional and lockable headgate. These improvements must be completed prior to May 10, 2006.**

If it is not in compliance, an Order to Cease the Use of Water will be issued by the State Engineer. The water commissioner will tag the diversion and block the flow through the culvert. Removing the tag or tampering with the blocked culvert will constitute a violation and enforcement proceedings will be commenced according to sections 73-2-25 and 73-2-26.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Mike Silva, Distribution Engineer by phone at 801 538-7430 or by e-mail at [MikeSilva@Utah.Gov](mailto:MikeSilva@Utah.Gov) or Kirk Forbush, Regional Engineer, by phone at 435 896-4429 or by e-mail at [KirkForbush@utah.gov](mailto:KirkForbush@utah.gov).

Dated this 10<sup>th</sup> day of April 2006

  
Lee H. Sim, P.E.  
Assistant State Engineer

cc: : Distribution File  
Kirk Forbush, Regional Engineer  
Rebecca Taft, Water Commissioner

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